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*Proposed Interim Class Counsel*

UNITED STATES DISTRICT COURT

**NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

IN RE: 23ANDME, INC., CUSTOMER  
DATA SECURITY BREACH  
LITIGATION

MDL No. 3098

Master Case No: 23-cv-05147-EMC

Hon. Edward M. Chen

### This Document Relates to:

## ALL ACTIONS

**JOINT DECLARATION OF GAYLE M.  
BLATT AND M. ANDERSON BERRY IN  
SUPPORT OF PLAINTIFFS' MOTION TO  
APPOINT M. ANDERSON BERRY AND  
GAYLE M. BLATT AS INTERIM CO-LEAD  
CLASS COUNSEL AND MELISSA K. EMERT  
AND MAUREEN K. BERG AS EXECUTIVE  
COMMITTEE MEMBERS FOR THE CLASS**

1 We, GAYLE M. BLATT and M. ANDERSON BERRY, declare:

2 1. We are attorneys licensed and admitted to practice before all the courts of the State of  
 3 California, including the United States District Courts, and are partners in our respective firms, Casey Gerry  
 4 Schenk Francavilla Blatt & Penfield, LLP (“Casey Gerry”), and Clayeo C. Arnold, APC (“Arnold Law  
 5 Firm”), and we are attorneys of record for certain Plaintiffs herein.

6 2. This declaration is filed in support of Plaintiffs Monica Santana, Paula Kleynburd, Bonnie  
 7 Eden, Daniel Pinho, Thomas Seawright, Pamela Zager-Maya, Adriane Farmer, Harold Velez, and Brianna  
 8 Sorenson’s Motion to Appoint M. Anderson Berry and Gayle M. Blatt as Interim Co-Lead Class Counsel  
 9 and Melissa K. Emert and Maureen K. Berg as Executive Committee Members for the Class.

10 3. We have been engaged in working on this matter since the earliest filings in October 2023.  
 11 Casey Gerry, the Arnold Law Firm (and our co-movants) have done extensive work and committed  
 12 significant resources to investigating the potential legal issues and claims in this action, speaking with  
 13 numerous affected 23andMe consumers, researching and reviewing all publicly available information  
 14 about the breach, its cause, the Dark Web sales and status, and participated in preparing and filing  
 15 complaints on behalf of Plaintiffs and putative class. We have retained and worked closely with a cyber  
 16 security expert and a leader in business valuations throughout the litigation of this case to date. Utilization  
 17 of these consultants/experts were important in light of the various issues facing the Plaintiffs and the  
 18 proposed class. We opposed the requested stay in this matter, and prepared a motion for corrective notice  
 19 in light of the Defendant’s dissemination of revised Terms of Service after our class action cases were filed.

20 4. We have also been engaged in ongoing settlement discussions, along with Norm Siegel and  
 21 others, since the end of January 2024 when the initial mediation in this matter took place. The case is not  
 22 settled; however, we believe for various reasons it is in the best interests of the class that settlement  
 23 possibilities continue to be explored. In this regard, we have consulted with two Settlement Administrators  
 24 to consider ways in which any resolution on a class wide basis can result in a desired participation rate.

25 5. Although we believe settlement negotiations should continue, at the same time, we believe  
 26 that the litigation course should be charted, and the case scheduled to move along so that resolution, in  
 27 whatever form, is achieved in a fair time frame.

6. This case has aspects to it that are not at issue in other data security cases. We have heard from numerous class members who are anxious and concerned about the disclosure of their information and the nature of the data disclosed. Here, we have a team of committed lawyers who have been working on this case since October 2023. Anderson Berry, Melissa Emert, Maureen Berg, and Gayle Blatt, have extensive experience in data privacy cases and a history of working well and efficiently together. We also work collaboratively and will continue to do with other counsel engaged in this matter.

7. We will fully commit to this litigation and carry out the crucial obligations owed to the Plaintiffs and the putative class. We have fully evaluated the responsibilities involved in serving as co-lead counsel in this litigation and are confident we can fulfill those responsibilities.

8. Our firms have the personnel and experience to efficiently support the prosecution of these cases. Casey Gerry currently has seventeen attorneys and a full complement of staff. Casey Gerry's attorneys and staff are highly qualified and work as a team. Casey Gerry also has a full-time investigative staff whose only job is to conduct investigation of pending and ongoing cases. This staff can assist the prosecution of this litigation, which is often helpful in these and other similar types of cases. Attached to this Declaration as **Exhibit A** is a Firm Resumé for Casey Gerry. The Arnold Law Firm has twelve attorneys and also a deep wealth of staff to assist in this matter. The Arnold Law Firm's Resume is attached to this Declaration as **Exhibit B**.

9. Casey Gerry and the Arnold Law Firm also have the financial resources necessary to prosecute prolonged class action litigation. Our firms routinely contribute significant sums of money to the litigation coffers in the cases in which we are involved and continue to do so in cases in active litigation. Casey Gerry and the Arnold Law Firm self-fund all of our litigation.

10. In prior litigation, whether in the consumer protection setting or otherwise, Casey Gerry and the Arnold Law Firm attorneys have always matched the resource commitment and drive of the opposition, no matter how intense and long-lasting the litigation.

## **GAYLE BLATT'S EXPERIENCE**

11. I joined Casey Gerry over thirty years ago and am head of the firm's complex litigation practice. I have dedicated my career to vindicating the rights of consumers. Along with my colleagues at the firm, I have been a leader in public service and have been the honored recipient of various accolades.

1       12. I am a former President of the Consumer Attorneys of San Diego, a former board member  
 2 of the Consumer Attorneys of California and am a Past President of the San Diego County Bar Foundation.  
 3 I have been named one of the Top 50 Influential Professionals, San Diego Daily Transcript; Top 500  
 4 Influential Business Leaders, San Diego Business Journal; Southern California Super Lawyers Top 10  
 5 Lawyers in San Diego; Top 25 Women Lawyers in San Diego; SD Metro's San Diego's Top Attorneys;  
 6 Law Dragon 500 Leading Plaintiff Consumer Lawyers 2019-2024; and I am named annually in Best  
 7 Lawyers in America. I was honored to be selected jointly by the San Diego Chapter of ABOTA, the San  
 8 Diego Defense Lawyers and the Consumer Attorneys of San Diego to receive the 2022 Broderick Award  
 9 for Civility Integrity and Professionalism.

10      13. I have been named Best of the Bar by the San Diego Business Journal, and I have been  
 11 honored with Three Outstanding Trial Lawyer Awards by the Consumer Attorneys of San Diego and have  
 12 been named one of the San Diego Daily Transcript's Top Lawyers in San Diego. I serve on the Board of  
 13 Trustees for California Western School of Law and am a Board member of Tom Homann Law Association  
 14 Foundation.

15      14. Founded in 1947, Casey Gerry is a San Diego-based plaintiffs' law firm focusing on  
 16 complex civil litigation, with an emphasis on consumer protection, class actions, product defects, and  
 17 serious personal injury matters.

18      15. The firm has been involved in complex litigation for decades and continues to the present,  
 19 including appointments to leadership roles in class actions at both the state and federal level, some of which  
 20 are set forth below.

21      16. *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability*  
 22 *Litigation*, MDL No. 2672 (N.D. Cal.). In less than a year, Casey Gerry helped obtain settlements from  
 23 Volkswagen totaling \$14.7 billion relating to their 2.0-liter engines. A further settlement involving 3.0-liter  
 24 engines was negotiated with a value of at least \$1.2 billion. Also, Casey Gerry's work was crucial to getting  
 25 a separate \$327.5 million settlement from defendant Bosch. Further, although the allegations were distinct,  
 26 additional cases against Audi—the "Audi CO2 Cases," and Porsche - the "Porsche Gasoline Emissions  
 27 Cases," MDL No. 2672 (N.D. Cal.), were consolidated in the Volkswagen Clean Diesel MDL, which  
 28 resulted in settlements of \$96.5 million and \$80 million respectively.

1       17.    *In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability*  
 2 *Litigation*, 17-MD-2777 (N.D. Cal.), where we helped obtain a settlement of \$307,406,800 in  
 3 compensation and an additional \$239.5 million in extended warranty benefits for approximately 100,000  
 4 owners and lessees of EcoDiesel Jeep Grand Cherokees and Ram 1500 trucks.

5       18.    *In re: Apple Inc. Device Performance Litigation*, MDL No. 2827 (N.D. Cal.), alleged  
 6 computer intrusion case which resulted in a settlement of over \$300 million.

7       19.    *In re: Wells Fargo Collateral Protection Insurance Litigation*, MDL No. 2797 (C.D. Cal.),  
 8 Casey Gerry helped obtain a common fund settlement of \$423 million. Referring to the settlement, Judge  
 9 Guilford stated, “this level of success reflects in part the skill and experience of class counsel, who have  
 10 worked for many years litigating complex class actions like this one.” (Dkt. 338 at p. 7).

11       20.   Casey Gerry is also on the cutting edge of technological and legal developments. Recently,  
 12 Casey Gerry secured a precedent-setting win against online retail titan *Amazon in Bolger v. Amazon.com, LLC*, 53 Cal.App.5th 431 (2020). This decision was the first state appellate level decision in the nation  
 13 holding an online marketplace strictly liable for defective products sold by third-party vendors on  
 14 the marketplace.

16       21.   Additionally, several Casey Gerry attorneys are members of American Board of Trial  
 17 Advocates (ABOTA), two have been inducted into the International Academy of Trial Lawyers, and we  
 18 have a member of the International Society of Barristers. Our attorneys have received over twenty  
 19 Outstanding Trial Lawyer awards and several Trial Lawyer of the Year Awards from the Consumer  
 20 Attorneys of San Diego.

21       22.   The complex litigation team focuses on privacy/data security litigation, automotive, and  
 22 other class actions. Casey Gerry has significant experience prosecuting class actions addressing claims  
 23 similar to those at issue here, and we are knowledgeable regarding the applicable law relevant to this case.

24       23.   In privacy, data security and breach litigation, I have been appointed to numerous lead and  
 25 executive positions. I was appointed to the five-member Plaintiffs’ Executive Committee overseeing the  
 26 litigation related to the massive Yahoo! data breaches, collectively at the time, the largest data breach in  
 27 the world. (*In re: Yahoo! Inc. Customer Data Security Breach Litigation*, Case No. 16-MD-02752 (N.D.  
 28 Cal.)). I oversaw the drafting of the consolidated master complaint, opposed motions to dismiss, drafted

1 discovery, took/defended depositions, worked with damages experts and participated in settlement  
 2 negotiations that resulted in a common fund settlement of \$117,500.000.00.

3 24. I have had numerous other appointments in data security cases as well, some of which  
 4 include: *In re: Warner Music Group Data Breach*, Case No. 1:20-cv-07473-PGG (S.D.N.Y.); *In re:*  
 5 *Netgain Technology, LLC, Consumer Data Breach Litigation*, 21-cv-1210-SRN-LIB (D. Minn.); *DeSue v.*  
 6 *20/20 Eye Care Network, Inc. et al.*, Case No. 21-cv-61275-RAR (S.D. Fla.); *James v. Davaco, Inc. et al.*,  
 7 Case No. 3:21-cv-02318-M (N.D. Tex.); *Pfeiffer et al. v. RadNet, Inc.*, Case No. 2:20-cv-09553-RGK-SK  
 8 (C.D. Cal.); *Adkins v. Facebook, Inc.*, Case No. 18-05982-WHA (N.D. Cal.) (Law And Briefing  
 9 Committee); *Tate v. EyeMed Vision Care, LLC*, Case No. 21-cv-00036-DRC (S.D. Ohio); *In re: Citrix*  
 10 *Data Breach Litigation*, Case No. 19-cv-61350-RKA (S.D. Fla.); *Madrid v. Golden Valley Health Centers*,  
 11 Merced Super. Ct., Case No. 20-cv-01484; *Sung et al., v. Schurman Fine Papers d/b/a Schurman Retail*  
 12 *Group*, Case No. 17-cv-02760-LB (N.D. Cal.); *In re: Sony Gaming Networks and Customer Data Security*  
 13 *Breach Litigation*, Case No. 11-md-02258-AJB (S.D. Cal.); and *In re: US Fertility LLC Data Security*  
 14 *Litigation*, No. 8:21-cv-002 99 (D. Md.).

15 25. In addition to my work on data privacy litigation, I also have held many other leadership  
 16 roles, such as service on the Plaintiffs' Executive Committees in multidistrict litigation in: *In re: ZF- TRW*  
 17 *Airbag Control Units Products Liability Litigation*, MDL No. 2905 (C.D. Cal); *In re: Intel Corp. CPU*  
 18 *Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2828 (D. Or.); Liaison Counsel in  
 19 *In re: Bank of America California Unemployment Benefits Litigation*, No. 21-md-02992-LAB (S.D. Cal.);  
 20 Plaintiffs' Steering Committee in *In re: Chrysler Pacifica Fire Recall Products Liability Litigation*,  
 21 No.2:22-cv-03040 DML-EAS (E.D. Mich.) and as interim co-lead counsel in *Cilluffo v. Subaru of America,*  
 22 *Inc. et al.*, Case No. 23-cv-01897-RBK-MJS (D. N.J.).

23 26. Casey Gerry's legacy includes several historic cases as well. Casey Gerry was part of the  
 24 trial team and played a leadership role in the Exxon Valdez litigation, representing over 1,000 individual  
 25 clients who suffered economic injuries from the 1989 Exxon Valdez oil spill, which resulted in a \$5 billion  
 26 verdict. Following a record-breaking verdict at the time, Casey Gerry continued to represent its clients  
 27 through appeals lasting more than two decades. That litigation culminated in a hearing before the United  
 28 States Supreme Court 26 years after Casey Gerry's initial involvement.

27. Casey Gerry also played a lead role representing former California Governor Gray Davis in a Private Attorneys General Action relating to tobacco use. Casey Gerry's representation of Gray Davis helped lead to a global settlement of \$206 billion dollars with \$25 billion dollars for the State of California. Casey Gerry also filed the only wrongful death lawsuit in California that focused on smokeless tobacco. And in *In re: World War II Era Japanese Forced Labor Litigation*, MDL No. 1347, Casey Gerry represented World War II veterans forced to labor without compensation.

28. Following the September 11th terrorist attacks, Casey Gerry played a lead role in the Victims Compensation Fund, one of the largest pro bono programs in history. That program involved over 1,000 lawyers working on a pro bono basis to represent victims of the September 11th terrorist attacks. The scope of that project cannot be overstated: 1,092 lawyers volunteered their service to help 1,745 individuals obtain over \$2.25 billion dollars in compensation, which required the complicated analysis and application of law from 70 states and countries regarding the recovery rights of heirs.

## M. ANDERSON BERRY'S EXPERIENCE

29. Mr. Berry is the head of the Complex Litigation Department at the Arnold Law Firm, with an extensive background in privacy and consumer/government fraud litigation, actively participating in a currently sealed False Claims Act case involving widespread cybersecurity fraud upon the United States. Before joining the Arnold Law Firm in 2017, Mr. Berry worked as an Assistant United States Attorney for the Eastern District of California. As part of the Affirmative Civil Enforcement unit, Mr. Berry handled a wide variety of complex cases, recovering millions of dollars for the United States. While working as an Assistant United States Attorney Mr. Berry worked closely with diverse Federal and State agencies including the Federal Bureau of Investigations and the California Attorney General's office. Before working for the Department of Justice, Mr. Berry practiced at one of the world's largest law firms, Jones Day, where he represented clients in international arbitration and complex commercial litigation, including defending class action allegations.

30. Mr. Berry is litigating a number of class action cases across the country involving data breaches, including the following matters where he has a leadership position: *In Re: Overby-Seawell Company Customer Data Security Breach*, No. 1:23-md-03056-SDG (N. Ga.) (Co-Lead Counsel); *In Re: Entertainment Partners Data Breach Litigation*, No. 2:23-cv-06546-CAS (C.D. Cal.) (Co-Lead Counsel);

1 *In Re: Snap Finance Data Breach Litigation*, No. 2:22-cv-00761-TS (D. UT.) (Co-Lead Counsel); *Holmes*  
 2 *v. Elephant Insurance Company, et al.*, No. 3:22-cv-00487-JAG (E.D.VA.) (Co-Lead Counsel); *In Re:*  
 3 *Arthur J. Gallagher Data Breach Litigation*, No. 1:21-cv-04056 (N.D.Ill.) (Co-Lead Counsel); *In re:*  
 4 *Mednax Servs., Inc., Customer Data Security Breach Litig.*, No. 21-MD-02994 (S.D. Fla.) (Executive  
 5 Comm.); *Desue v. 20/20 Eye Care Network, Inc. et al.*, No. 0:21-cv-61275 (S.D. Fla.) (Executive Comm.);  
 6 *Ware v. San Gorgonio Memorial Hosp.*, CVRI2301216 (Super. Ct. of CA, Riverside) (Co-Lead Counsel);  
 7 *In re: Cerebral, Inc. Privacy Practices*, No. 2:23-cv-01803-FMO (C.D. Cal.) (Liaison Counsel); *In re:*  
 8 *Orrick, Herrington & Sutcliffe, LLP Data Breach Litig.*, No. 3:23-cv-04089-SI (N.D. Cal.) (Plaintiffs'  
 9 Steering Committee); *In re: Sequoia Benefits and Insurance Data Breach Litig.*, No. 3:22-cv-08217-RFL  
 10 (N.D. Cal.) (Plaintiffs' Executive Committee) *See* Mr. Berry and Clayeo C. Arnold, APC's Biography  
 11 attached hereto as **Exhibit B**.

12       31.     Moreover, Mr. Berry has additional recent experience in District Courts in California,  
 13 including this District, having been appointed class counsel in numerous data breach class action cases in  
 14 this court, including: *In re: Ethos Technologies Inc. Data Breach Litig.*, No. 3:22-cv-09203-SK (N.D. Cal.);  
 15 *In re: Blackhawk Network Data Breach Litig.*, No. 3:22-cv-07084-CRB (N.D. Cal.); *Remoundos v.*  
 16 *LendUS, LLC*, No. 22-cv-00749-EMC (N.D. Cal.); *Bitmouni v. Paysafe Payment Processing Solutions,*  
 17 *LLC*, No. 3:21-cv-00641-JCS (N.D. Cal.); *In re: Hanna Andersson and Salesforce.com Data Breach Litig.*,  
 18 No. 3:20-cv-00812-EMC (N.D. Cal.); *Myron Schellhorn et al v. Timios, Inc.*, No. 2:21-cv-08661-VAP-JC  
 19 (C.D. Cal.), *Hashemi et al. v. Bosley, Inc.*, No. 2:21-cv-00946 (CD. Cal.), *Bowdle v. King's Seafood Co.*  
 20 *LLC*, No. 8:21-cv-01784-CJC-JDE, (CD. Cal.), and *In Re: Entertainment Partners Data Breach Litigation*,  
 21 No. 2:23-cv-06546-CAS-PVCx (CD. Cal.).

22       32.     Founded in 1975 by Clayeo C. Arnold, the Arnold Law Firm is a litigation-oriented practice  
 23 with locations in Sacramento and Los Angeles, California. In keeping with its founding principles, the firm  
 24 consciously works for the interests of individual people and small businesses — not for large corporations  
 25 or insurance companies.

26       33.     The firm's team of twelve attorneys collectively encompass a broad and diverse professional  
 27 background, including plaintiff contingency work, public entity representation, criminal defense, and civil  
 28 defense. We have current and past board members of Capital City Trial Lawyers Association, as well as

members of numerous prestigious professional organizations, including the American Board of Trial Advocates, American Association for Justice, Association of Trial Lawyers of America, Sacramento County Bar Association, and Consumer Attorneys of California.

34. For over four decades the Arnold Law Firm has developed a respected and extensive network of co-counsel and experienced contract counsel to rapidly expand our capabilities as necessary on an ad hoc basis (e.g., document review). We employ a robust staff of highly qualified and experienced legal staff including assistants and paralegals to ensure that attorney time is spent in the most efficient manner possible.

35. The Arnold Law Firm employs cutting edge technology to increase productivity thereby resulting in more efficient and effective legal representation and driving excellent results on behalf of its clients. Specifically, the firm increases its efficiency by using numerous forms of legal and practice management software including template software, client management software, and secure internet-based client management for mass tort or multi-plaintiff litigation. We also invest in appropriate billing and tracking software for contemporaneous hourly record keeping.

## MELISSA R. EMERT'S AND MAUREEN K. BERG'S EXPERIENCE

36. Our application for Interim Co-Lead Class Counsel includes two proposed members of a Plaintiffs' Executive Committee, Melissa R. Emert of Kantrowitz, Goldhamer & Graifman, PC. and Maureen K. Berg. of Lockridge Grindal Nauen, PLLP. Both Ms. Emert and Ms. Berg bring substantial experience litigating data privacy class actions and the resources of both of their firms, as can be seen from their firm biographies. Ms. Emert, and Kantrowitz, Goldhamer & Graifman, PC's firm biography is attached hereto as **Exhibit C**; Ms. Berg and Lockridge Grindal Nauen, PLLP's firm biography is attached hereto as **Exhibit D**.

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 18, 2024, at San Diego, California

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By: /s/ Gayle M. Blatt  
GAYLE M. BLATT

1 Executed on April 18, 2024, at Sacramento, California.

2 By: /s/ M. Anderson Berry  
3 M. ANDERSON BERRY  
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# EXHIBIT A

# CaseyGerry

CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP

## FIRM RÉSUMÉ

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## FIRM OVERVIEW

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Founded in 1947, San Diego based firm of Casey Gerry Schenk Francavilla Blatt & Penfield, LLP “CaseyGerry” is one of the oldest plaintiffs’ law firms in California and is nationally recognized. Our firm focuses on complex civil litigation, with an emphasis on consumer protection, class actions, product defect, pharmaceutical and serious personal injury matters. Our attorneys have held numerous leadership roles in coordinated cases at both the state and federal level. We have prosecuted a variety of consumer fraud, unfair business practices, TCPA, product defect, and other complex mass torts and class action matters. We have litigated cases against companies such as Volkswagen, Exxon, Amazon, Sony, Toyota, General Motors, AT&T, Mitsubishi, Apple, Inc., Wells Fargo, Bank of America, American Express, Honda, Discover Financial Services, and Yahoo, among others.

CaseyGerry represented then Lt. Gov. Gray Davis in his private attorney general action against the tobacco industry. We were successful in obtaining a settlement of over \$25 billion for the citizens of California, and also took part in successfully resolving other similar tobacco cases in other states. Our firm also was part of the trial team and played a leadership role in the Exxon Valdez litigation, which resulted in a \$5 billion verdict. And recently, the firm obtained a first of its kind appellate victory against Amazon involving strict liability of online marketplaces.

The firm has extensive experience in class action, mass tort and other complex litigation. Managing partner, David Casey was appointed to serve on the Plaintiffs’ Steering Committees for *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Lit.*, Case No. 15-md-02672-CRB (N.D. Cal.), which included the related “Audi CO<sub>2</sub>” and “Porsche Gasoline” cases. Working with partner Gayle Blatt, they represented over 500,000 owners and lessees of Volkswagen diesel vehicles in the third largest car recall in history, over 100,000 owners and lessees of Audi vehicles and approximately 500,000 Porsche owners and lessees. Mr. Casey was also appointed in *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Product Liability Lit.*, Case No. 17-md-02777-EMC (N.D. Cal.) and worked with Ms. Blatt, successfully representing approximately 100,000 owners and lessees of EcoDiesel Jeep Grand Cherokees and Ram 1500 trucks.

Firm members have also served on court-appointed leadership committees, including cases against Yahoo!, Wells Fargo, Apple, Intel and the NFL.

The firm's experienced lawyers have earned numerous local, regional and national accolades and awards bestowed for professional success. Our lawyers have been president of, or currently hold, leadership positions and longtime affiliations with the California State Bar Association, American Association for Justice (AAJ,

formerly known as American Trial Lawyers Association (“ATLA”), Consumer Attorneys of California (CAOC), Consumer Attorneys of San Diego (CASD), San Diego County Bar Association, Lawyers Club of San Diego, California Women Lawyers, North County Bar Association, Korean American Bar Association San Diego, South Asian Bar Association of San Diego, Filipino American Lawyers of San Diego, and Tom Homann LGBT Law Association. Our partners have been elected to such prestigious organizations as the American Board of Trial Advocates, the International Academy of Trial Lawyers, and the International Society of Barristers. Four partners have served as president of the Consumer Attorneys of San Diego. Five of the firm’s partners are members of the American Board of Trial Advocates (ABOTA), and partner Frederick Schenk is past president of the executive board of the San Diego chapter of ABOTA.

# CASEYGERRY ATTORNEYS

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## **David S. Casey, Jr.**

David S. Casey, Jr. is the senior partner of CaseyGerry, the firm that his father founded in 1947. He began his career as a prosecutor and has handled over 70 jury trials during the course of his over forty-year legal career. He is a past president of the Association of Trial Lawyers of America (now the American Association for Justice), Consumer Attorneys of California, Western Trial Lawyers Association, and San Diego Trial Lawyers Association (now Consumer Attorneys of San Diego).

Mr. Casey is a proven leader nationwide. During his tenure as president of ATLA (now AAJ), which at the time was an organization of approximately 60,000 lawyers nationwide, he was one of a small group of people who proposed the Victims Compensation Fund for victims of the unprecedented terrorist attacks of September 11, 2001. Thereafter, AAJ formed Trial Lawyers Care (TLC) to coordinate what would become one of the largest pro bono programs in history. TLC helped 1,739 eligible claimants from 35 states and 11 countries, and the recovery to these claimants exceeded \$2 billion dollars.

Mr. Casey is also a leader in the state of California. He undertook a lead role in California on behalf of then Lieutenant Governor Gray Davis in his private attorney general action against the Tobacco Industry, instigated when the state of California declined to participate in the litigation with other states' Attorneys General. This litigation involved multiple billion-dollar companies, who had been involved in litigation over the effects of tobacco use for decades. Mr. Casey was involved in extensive negotiations in Washington, DC, and proposed legislation. After Gov Davis' election as Governor of California, a global settlement resulted in the resolution of all claims.

During the course of his career, Mr. Casey has represented American POWs in litigation for having been treated as slave laborers during World War II and his firm was co-counsel in the Exxon Valdez Oil Spill litigation. He also represented Honda dealers in one of the most massive fraud schemes on Honda dealers in the history of the United States.

Mr. Casey was appointed to serve on the Plaintiffs' Steering Committee for *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Lit.* Following his appointment in *Volkswagen*, he was appointed in *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Product Liability Lit.* He was also appointed in *In re: Wells Fargo Collateral Protection Insurance Lit.*, in which he helped negotiate a favorable settlement, and to the

PSC for *In re: National Football League Players' Concussion Injury Lit.*, representing the interests of thousands of former NFL players.

Having opted out of the class action, he represented the family of Junior Seau against the NFL in the national head injury litigation, as well as represented the family of Tony Gwynn for the wrongful death resulting from his use of smokeless tobacco.

Mr. Casey has served as the Lawyer Representative for the United States District Court, Southern District of California and as a current board member for the Ninth Judicial Circuit Historical Society. He is honored to have been inducted into the San Diego Consumer Attorneys Hall of Fame. He is also a member of such prestigious, invitation-only, organizations, such as the International Academy of Trial Lawyers, International Society of Barristers and American Board of Trial Advocates.

David S. Casey, Jr., has received over 100 accolades including his recognition as one of the Top Plaintiff's Lawyers in the State of California by the Daily Journal in 2015, 2016, 2018, 2019, 2020 and 2021.

### **Gayle M. Blatt**

Heading the firm's complex litigation practice group, Ms. Blatt concentrates her practice on consumer class actions, data security cases, and pharmaceutical and medical device cases. She joined CaseyGerry more than 30 years ago and has become well known for representing injured clients and consumers in a wide range of high profile, multi-million-dollar cases.

Ms. Blatt serves by appointment on the Plaintiffs' Executive Committees in *In re: ZF- TRW Airbag Control Units Products Liability Lit.*, Case No. 19-md-02905-JAK-FFM (C.D. Cal.); and served on the Plaintiffs' Steering Committee in *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Lit.*, Case No. 18-md-2828-SI (D. Or.), *In re: Apple Inc. Device Performance Lit.*, Case No. 18-md-02827-EJD (N.D. Cal.), and *In re Chrysler Pacifica Fire Recall Products Liability Litigation*, Case No. 22-md-03040(E.D. Mich.). She served as Co-Liaison Counsel in *In re: Incretin Mimetics Product Liability Lit.*, Case No. 13-md-02452-AJB-MDD (S.D. Cal.), and in *In re: Hydroxycut Marketing and Sales Practices Lit.*, Case No. 09-md-02097 (S.D. Cal.). She worked closely with partner David S. Casey, Jr. on the *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Lit.*, the "Audi CO<sub>2</sub>" and "Porsche Gasoline" cases, Case No. 15-md-02672-CRB (N.D. Cal.) representing hundreds of thousands of vehicle owners whose claims included misrepresentation of the attributes of their vehicles and on the *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Product Liability Litigation*, Case No. 17-md-

02777-EMC (N.D. Cal.) resulting in relief obtained for approximately 100,000 owner and lessees of EcoDiesel Jeep Grand Cherokee and Ram 1500 trucks.

Ms. Blatt serves as interim co-lead counsel in *Cilluffo v. Subaru of America, Inc. et al.*, Case No. 23-cv-01897-RBK-MJS (D. N.J.), interim co-lead counsel in *Burgos v. American Honda Motor Company*, Case No. 2:23-cv-02128-AB-SK (C.D. Cal.), interim co-lead counsel in *In re: Netgain Technology, LLC, Consumer Data Breach Lit.*, 21-cv-1210-SRN-LIB (D. Minn.), as interim co-lead counsel in *DeSue v. 20/20 Eye Care Network, Inc. et al.*, Case No. 21-cv-61275-RAR (S.D. Fla.), interim lead counsel in *Pfeiffer et al v. RadNet, Inc.*, Case No. 20-cv-09553-RGK-SK (C.D. Cal.), lead counsel in *In re: Waste Management Data Breach Lit.*, Case No. 21-cv-06199-DLC (S.D. N.Y.), interim co-lead counsel in *In re: Warner Music Group Data Breach Lit.*, Case No. 20-cv-07473-PGG (S.D.N.Y.), and interim class counsel in *In re: US Fertility LLC Data Security Lit.*, Case No. 8:21-cv-00299 (D. Md.). Ms. Blatt also serves on Casey Gerry's behalf, as Interim Liaison Counsel, for *In re: Bank of America California Unemployment Benefits Litigation*, Case No. 21-md-02992-LAB (S.D. Cal.). Additionally, she has served as class counsel in *In re: Citrix Data Breach Lit.*, Case No. 19-cv-61350-RKA (S.D. Fla.), and serves on the Plaintiffs' Executive Committee in *In re: EyeMed Vision Care, LLC Data Security Breach Lit.*, Case No. 21-cv-00036-DRC (S.D. Ohio). Ms. Blatt was also appointed to the five-member PEC overseeing the class action litigation related to the massive Yahoo data breaches, Case No. 16-MD-02752 (N.D. Cal.). She served on the law and briefing committee in the consolidated class action *Adkins v. Facebook, Inc.*, Case No. 18-05982-WHA (N.D. Cal.). She previously served as settlement class counsel in *Sung et al v. Schurman Fine Papers d/b/a Schurman Retail Group*, Case No. 17-cv-02760-LB (N.D. Cal.), and liaison counsel in *In re: Sony Gaming Networks and Customer Data Security Breach Lit.*, Case No. 11-md-02258-AJB (S.D. Cal.).

Ms. Blatt has received three Outstanding Trial Lawyer awards from the Consumer Attorneys of San Diego. She was recognized as one of the Top Plaintiff's Lawyers in California for 2021 and Top Women Lawyers 2021 by the Daily Journal. She has been named one of San Diego's Top 25 Female Attorneys 2007, 2009 and from 2013 to 2022 and the Top 10 San Diego Lawyers for 2019 to 2024 by *San Diego Super Lawyers*. Ms. Blatt was named one of San Diego's Best Attorneys of 2019 to 2021 by San Diego Daily Metro, one of San Diego's most influential women 2018 to 2020 and one of the top 50 Influential Professionals by the San Diego Daily Transcript. Blatt was named one of the Top 500 Influential Business Leaders, San Diego Business Journal 2019. She was named one of the Lawdragon 500 Leading Plaintiff Consumer Lawyers 2019 to 2024 and is listed annually in Best Lawyers. Ms. Blatt was also named Best Car Accident Lawyer in San Diego, Forbes 2023-2024, and Best Lawyers in America, Best Lawyers 2023-2024.

For ten years, Ms. Blatt served on the Board of Directors of the Consumer Attorneys of San Diego and served as President of the organization in 2007. As President, she was honored as Trial Lawyer Association Chapter President of the

Year by Consumer Attorneys of California. She received a President's Award from Consumer Attorneys of San Diego. Ms. Blatt currently serves on the Board of Trustees for her alma mater, California Western School of Law. She also serves on the board of the Tom Homann Law Association Foundation and is a past president of the San Diego County Bar Foundation.

### **Frederick Schenk**

Frederick Schenk is a tenacious litigator and CaseyGerry partner for decades and concentrates his practice on products liability, serious personal injury, and asbestos law. In fact, Frederick, who has been with CaseyGerry for more than 30 years, achieved the largest verdict ever in San Diego against an asbestos manufacturer – Owens Corning Fiberglass – obtaining a \$2.4 million verdict in punitive damages as well as economic losses.

In addition, he is a specialist in auto collision litigation and co-author of the LexisNexis California Automobile Litigation Handbook. Over the years, Schenk has received numerous awards and honors for his work – including recognition as an Outstanding Trial Lawyer from the Consumer Attorneys of San Diego, and twice recognized by Best Lawyers as San Diego's Trial Lawyer of the Year in the area of mass torts and class actions. He has remained active in both community and professional groups and finds tremendous gratification in his work as an attorney, especially when he provided services to the families of the victims of 9/11 via Trial Lawyers Care, the largest pro bono program in the history of American jurisprudence.

Mr. Schenk received numerous awards, including the San Diego County Bar Association's Community Service Award and Consumer Attorneys of San Diego's Outstanding Trial Lawyer Award. He serves on the Board of Governors for the American Association for Justice. He is current president for the San Diego Chapter of American Board of Trial Advocates.

Schenk served as president of the San Diego County Fair board and was re-appointed by California Governor Jerry Brown to serve another four-year term on the board which oversees all activities at the Del Mar Fairgrounds.

### **Jeremy K. Robinson**

Jeremy Robinson is the Chair of Casey Gerry's Motion and Appellate Practice and is widely acknowledged as one of the premier legal writers and analysts in the state. As a result, he has been named the Consumer Advocate of the Year for 2020 by the Consumer Attorneys of San Diego.

Most recently, Robinson secured a precedent-setting decision against online retail titan Amazon. See, *Bolger v. Amazon.com* (2020) 53 Cal.App.5th 431. The

decision marked the first time a state appellate court anywhere in the country has ruled against Amazon on this issue, and currently is the only published appellate decision in the nation holding Amazon strictly liable. The result was significant enough to be featured in stories by Bloomberg, The Washington Post, The New York Times, USA Today, CNBC, and many other national and international news and tech outlets.

In this same vein, Robinson also helped co-author, with National Advocacy Group, Public Justice amicus briefs in two other key appeals involving Amazon, *Oberdorf v. Amazon.com Inc.*, 930 F.3d 136, *rehearing en banc granted and opinion vacated*, 936 F.3d 182 (3rd Cir. 2019) and *McMillan v. Amazon.com, Inc.*, (Fifth Cir. No. 20-20108). And Robinson worked tirelessly behind the scenes on AB 3262, a bill aimed at holding online marketplaces to the same standard as traditional retailers.

Mr. Robinson is admitted to practice in all state and federal courts in California and the Third, Fifth, and Ninth Circuit Courts of Appeals. In addition to the *Bolger* decision, he also secured a precedent-setting ruling in *M.F. v. Pacific Pearly Hotel Management, LLC* (2017) 16 Cal.App.5th 693, a case in which Robinson successfully urged the expansion of FEHA provisions to a rape committed by an intruder on the premises. Robinson has also worked extensively in the class action arena, playing key roles in nationwide Multi-District Litigation cases like *In re: Yahoo! Inc. Customer Data Security Breach Lit.*, 16-MD-02752-LHK (N.D. Cal.) and *In re: Wells Fargo Collateral Protection Insurance Lit.*, 8:17-ML-2797-AG-KES (C.D. Cal.)

Outside of his case work, Robinson is a prolific and in-demand writer and speaker on emerging legal issues. This includes regular articles for the *Daily Journal* and *Daily Transcript*, many CLE-approved presentations and webinars, and a book chapter. He is also a charter member and Barrister in the San Diego Appellate Inns of Court and is a member of the Consumer Attorneys of San Diego, Consumer Attorneys of California, San Diego County Bar Association, and Lawyers' Club. He was named Consumer Advocate of the year 2021 by the Consumer Attorneys of San Diego, a San Diego Super Lawyer, Best Lawyers 2020 and 2021 and Leaders in Law 2020 by the San Diego Business Journal.

### **Robert J. Francavilla**

Mr. Francavilla is a widely respected trial lawyer and was recently honored as Consumer Attorneys of San Diego's Trial Lawyer of the Year for 2017. He has made an important difference in the lives of many, as well as earned many accolades and high-profile verdicts and settlements over the years. Specializing in serious personal injury, premises liability and highway design cases, he has successfully handled the gamut of complex cases, including tragic losses involving

wrongful death, paraplegia, quadriplegia, severe burns, loss of limbs and major orthopedic injuries.

Mr. Francavilla has received honors including LA Daily Journal's Top 25 Plaintiff's Lawyers 2015 and 2020, Trial Lawyer of the Year 2016 by the Consumer Attorneys of San Diego and a six-time awardee of the Consumer Attorneys of San Diego's Outstanding Trial Lawyers Award. He has been named Best Lawyers "Lawyer of the Year" 2022, he is a San Diego Super Lawyer 2007 to 2021, Lawdragon 500 Leading Plaintiff Lawyers, among other awards.

### **Thomas D. Penfield**

During his almost 30-year tenure with the firm, Mr. Penfield has handled numerous multi-million-dollar cases, concentrating his practice on personal injury, products liability and class actions, including serving as co-counsel in a jury trial representing H&H Cerritos against U.S. Mineral Products, Inc., obtaining a \$14.1 million verdict. He has also been involved in numerous class action lawsuits, including a case against the City of San Diego – an effort that helped residents reclaim millions in damages that was mischarged for sewer services – which was settled for \$40 million.

With a distinguished legal background, he was a supervising trial lawyer with the Defenders Program of San Diego and then a clinical Professor at the University of San Diego School of Law before joining CaseyGerry in 1988. Mr. Penfield continues to teach as an adjunct professor at the University of San Diego School of Law, and regularly lectures both nationally and internationally on trial techniques and persuasion.

Mr. Penfield served as President of the North County Bar Association. He is one of only nine attorneys in California to earn the recognition of Diplomate in the National College of Advocacy for American Association for Justice. He is also a member of the American Board of Trial Advocates and a Master in the American Inns of Court.

### **Thomas D. Luneau**

With a legal career spanning three decades, Mr. Luneau has had his share of formidable opponents in the courtroom over the years. He started his career as a state-licensed private investigator, joining CaseyGerry in 1982 as an investigator.

Now a talented litigator who has prosecuted many complex cases, he focuses his practice primarily on premises and products liability and serious personal injury cases, earning numerous multi-million verdicts and settlements – including cases involving defective industrial drilling machinery, motorcycle lane splitting

injuries, concussion injuries, wrongful death and more. Other high profile matters he has handled include cases involving abuse by a CHP officer who intentionally broke the ankle of a handcuffed suspect (4th amendment violation excessive force), and the wrongful death of an inmate at Donovan State Prison (8th amendment violation cruel and unusual punishment).

In addition, he has successfully represented numerous military and law enforcement personnel and their family members from entities including the San Diego Police Department, the San Diego County Sheriff's Department, Riverside County Sheriff's Department, California Highway Patrol, and the United States Border Patrol.

Luneau is a member of the American Board of Trial Advocates. He has received numerous awards, including the Consumer Attorneys of San Diego's Outstanding Trial Lawyer Award.

### **Jason C. Evans**

Jason C. Evans is an attorney specializing in complex litigation and personal injury. Throughout his career, he has handled hearings, pleadings, depositions, trial, mediations, and memoranda for a number of multi-million dollar civil and class actions.

He previously worked for the San Diego Volunteer Lawyer program, drafting requests for restraining orders for victims of domestic and elder abuse, and was a legal assistant for Spach, Capaldi and Waggaman, LLP, in Newport Beach.

He was selected as one of the San Diego Business Journal's Next Top Business Leaders under 40 for 2020, Top 40 Under 40, 2020 by the Daily Transcript, Super Lawyers Rising Star 2015-2021, San Diego Super Lawyers 2018, 2015 SD Metro 40 Under 40 Awards, and 2017 CASD Outstanding Trial Lawyer Award.

### **P. Camille Guerra**

P. Camille Guerra is a key member of the complex litigation team, working with partner Gayle M. Blatt to concentrate on data security cases like Yahoo Inc., consumer fraud litigation such as Volkswagen Diesel, Fiat/Chrysler Diesel, and Wells Fargo; as well as other high profile consumer class actions, including a national case involving anti-competitive behavior by the major tuna companies in the U.S.

Ms. Guerra serves as interim co-lead counsel in *Cilluffo v. Subaru of America, Inc. et al.*, Case No. 23-cv-01897-RBK-MJS (D. N.J.).

With a Master of Advanced Studies in health policy and the law, Ms. Guerra is keenly focused on addressing complex healthcare issues related to the law. Her research on counterfeit Avastin was the subject of an article she co-authored in the prestigious *Nature Reviews Clinical Oncology*. Her most recent publication is “USA Criminal and Civil Prosecutions Associated with Illicit On-line Pharmacies: Legal Analysis and Global Implications,” which appeared in *Med Access*.

Guerra attended Eotvos Lorand University in Budapest, Hungary, and University of Prishtina in the former Yugoslav Republic of Kosova. Ms. Guerra has been a member of the Alumni Association Board of Directors at Thomas Jefferson School of Law and an alumni mentor to the Middle Eastern, Armenian, and Muslim student associations. She is a past member of the Consumer Attorneys of San Diego Educational Committee and a member of Lawyers Club, San Diego County Bar Association, South Asian Bar Association, and a prior member of San Diego State University President’s Latino Advisory Council. She is fluent in Spanish and has studied Arabic, French, Italian, Russian, and Farsi.

### **Adam B. Levine**

Adam B. Levine is a key member of the serious personal injury team, focusing on product defect, premises, auto and aviation cases. He has worked on a variety of serious cases including: a federal product defect case involving a military parachute that deployed inside an airplane, killing a decorated Navy Seal; a federal case against the Border Patrol after one its agents crashed a truck into a client riding a motorcycle; a product defect and negligence case where his client suffered a serious arm injury while riding as a passenger in a UTV; a case against the City of San Diego that settled for \$1 million after his client tripped over uneven concrete in a crosswalk and suffered permanent injuries; and high-profile litigation against Big Tobacco involving smokeless tobacco or “dip.”

He is on the board of directors for the Consumer Attorneys of San Diego, is co-chair of the personal injury section of the North County Bar Association, is on the board of directors for the NLD section of the Consumer Attorneys of California and writes for the product defect column in the Trial Bar News.

Levine was named a San Diego Super Lawyers Rising Star in 2017- 2020. He was also awarded the North County Bar Association’s Rising Star award in 2018 and was named in the top 40 Under 40 by The Daily Transcript and San Diego Metro Magazine. He was named in the Best Lawyers: Ones to Watch and has received 14 American Jurisprudence Awards, CWSL, Kennedy Scholar, Academic Excellence Award, Trustees’ Award, CWSL, Academic Excellence Award, CWSL and Trustees’ Award, CWSL.

## **David S. Casey III**

David Casey III is an attorney specializing in personal injury. He has worked extensively for both the complex litigation and personal injury teams at Casey Gerry. Recently, he participated in the TAP program as one of the first participants, during which time he tried multiple criminal cases as a volunteer deputy district attorney with the South Bay office of the San Diego County District Attorney.

Casey III attended the University of San Diego and focused his time at school on trial advocacy and complex litigation. He received a CALI award for his paper analyzing American and European attitudes toward online privacy and the “right to be forgotten.” He externed for the Honorable Anthony Battaglia at the United States District Court for the Southern District of California. He also interned and graduated from Gerry Spence’s acclaimed Trial Lawyers College in 2018.

Casey III has been accepted to the Wallace inn as an Associate Member and was named in Best Lawyers: Ones to Watch 2021 and 2022.

## **Eric Ganci**

Eric Ganci is a graduate of Thomas Jefferson School of Law. He is an associate attorney and member of the personal injury team. Before joining CaseyGerry, Eric ran his own firm focused on representing people arrested for driving under the influence. During that time, he tried 72 cases to verdict: 70 jury trials and 2 bench trials. In that work, after completing required coursework and passing a certification exam, Eric earned the designation as a Lawyer-Scientist by the American Chemical Society, Chemistry and the Law Division.

Ganci is a member of Consumer Attorneys of San Diego, Lawyers Club of San Diego (Board Member 2012-2016, Photography Co-Chair 2011-2013, and Champagne & Chocolates Affair Co-Chair 2012), San Diego County Bar Association (New Lawyers Division Board of Directors, Community Service Chair 2012, New Lawyers Division Board of Directors, Newsletter Chair 2011), and former President and Vice President of Thomas Jefferson SOL Alumni Association (2009-2014).

He was awarded Thomas Jefferson SOL Adjunct Professor of the Year, Thomas Jefferson SOL A. Thomas Golden Honorary Alumnus of the Year, San Diego’s Top 40 Under 40 (2011) and Outstanding Service by a New Lawyer by San Diego County Bar Association (2011). He is a former graduate of the Trial Lawyers College, and has been teaching at the College since 2016, and assisting with civil and criminal trials across the country.

## **Katie McBain**

Katie McBain is a graduate of California Western School of Law. She is a member of the complex litigation team. Prior to joining CaseyGerry, Katie successfully litigated bench trials, counseled retirement and pension systems regarding compliance with local, state and federal laws, with particular focus on the County Employees Retirement Law of 1937, and consulted business owners regarding labor and employment issues. She is a member of Lawyers Club of San Diego, Contributor to the Conference of California Bar Associations, and a member and volunteer of Think Dignity, a non-profit focused on empowering our community to advance basic dignity for those living on the street. Katie is proficient in Spanish.

## **Samantha Kaplan**

Samantha Kaplan is an associate attorney at CaseyGerry where she works with the personal injury team. She received her Juris Doctor from Georgetown University and a Bachelor of Arts degree in International Development and Africana Studies from Tulane University. Prior to joining CaseyGerry, Ms. Kaplan worked as a law clerk with the U.S. State Department Office of the Assistant Legal Advisor where she wrote legal briefs as part of the U.S. submissions to the Iran-U.S. Claims Tribunal, conducted legal research, wrote memoranda on Investor State Dispute Settlements and Bilateral Investment issues, and more.

## **Michael Benke**

Michael Benke is part of the CaseyGerry complex litigation team. He received his JD degree from Berkeley Law School (Boalt Hall) with a concurrent degree from Berkeley's Goldman School of Public Policy, where he focused on quantitative methods. During law school, he externed for Judge M. Margaret McKeown of the Ninth Circuit Court of Appeals.

Following law school Mr. Benke served as an attorney in the chambers of California Supreme Court Justice Joyce L. Kennard, and subsequently, received trial and appellate experience with the economic crimes and appellate divisions of the San Diego County District Attorney. He has served in the Fourth District Court of Appeal, Division One, as a research assistant to Associate Justice Joan Irion, and has argued cases before the California Court of Appeal, Division Two (San Bernardino).

He is also a medical doctor. Following his legal education and experience, he attended and received his MD degree at Saint George's University, where testing and academics earned him the highest merit scholarship at entry. Most recently, in his clinical years he rotated through Eisenhower Hospital and Desert Regional Medical Center in Palm Springs, Arrowhead Regional Medical Center in San Bernardino, and the Santa Clara County hospital system. He completed sub-

internships in medicine, hospital-based family medicine, and psychiatry. While in medical school, Mr. Benke worked as a law clerk for CaseyGerry.

Benke is licensed to practice law in California and the state of New York, including the federal Southern District of New York. He is fluent in Spanish.

### **Noah Moss**

Noah Moss is a civil trial lawyer at CaseyGerry where he works with the personal injury team. He joined the firm after working with a prestigious Personal Injury law firm in Bakersfield, CA as a trial attorney. Prior to that, Noah worked for a big New York firm where he represented pharmaceutical companies in Patent litigation. During his time representing large corporations, Noah realized that he wanted to join a law practice that worked for the individual not against them. This led to his transition to personal injury law.

Moss received his Juris Doctorate from Loyola University, Chicago School of Law, with a certificate in Advocacy and International Law. In addition, he received a Master of Laws degree in IP & Information Technology Law from Fordham Law School, New York. For his undergraduate studies, he attended University of California San Diego, graduating with a Bachelor of Science in Biology and Molecular Biology.

### **Howie Bruno**

Howie Bruno is an associate attorney at CaseyGerry where he works with the personal injury team. He joined the firm after working with a prestigious New York law firm. He received his Juris Doctorate degree from the University of Virginia School of Law. During law school, he was a law clerk for Judge Francis Hodgson, Jr. of the Superior Court of New Jersey, Chancery Division.

Since becoming an attorney, Howie has maintained an active pro bono practice focused on domestic violence, immigration, and civil rights issues. Howie is licensed to practice law in California and New York, and is a member of the San Diego County Bar Association and the Consumer Attorneys of San Diego. Howie also serves on the Board of Directors of the San Diego Volunteer Lawyer Program.

### **Alyshia Lord**

Alyshia Lord brings a robust background in plaintiff law, specializing in personal injury and premises liability litigation. Alyshia has dedicated her legal career to advocating for those harmed by the negligent actions of others, including survivors of sexual abuse, victims of premises injuries, and individuals impacted by auto accidents. Before joining CaseyGerry, she honed her litigation and client advocacy skills.

Throughout her career, Alyshia has demonstrated unwavering commitment to seeking justice for her clients, whether they have been affected by medical malpractice, traffic accidents, or childhood sexual abuse. Her holistic approach to the law and relentless pursuit of optimal outcomes for her clients have distinguished her as a highly effective attorney. Alyshia's dedication to service is evident not only in her professional achievements but also through her active participation in pro bono work, notably with Bunny's Buddies, and her contributions to the American Inns of Court, the Lawyer's Club of San Diego, and the Consumer Attorneys associations of both San Diego and Los Angeles.

## SELECT LEADERSHIP POSITIONS

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- *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Lit.*,  
MDL No. 2672
- *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Products Liability Lit.*,  
MDL No. 2777
- *In re: ZF-TRW Airbag Control Units Products Liability Lit.*,  
Case No. 19-md-02905 JAK (C.D. Cal.)
- *In re: Chrysler Pacifica Fire Recall Products Liability Lit.*,  
MDL No. 3040
- *Cilluffo v. Subaru of America, Inc. et al.*,  
Case No. 23-cv-01897-RBK-MJS (D. N.J)
- *Burgos v. American Honda Motor Company*, Case No. 2:23-cv-02128-AB-SK (C.D. Cal.)
- *In re: Waste Management Data Breach Lit.*,  
Case No. 21-cv-06199-DLC (S.D. N.Y.)
- *In re: Netgain Technology, LLC, Consumer Data Breach Lit.*,  
Case No. 21-cv-1210-SRN-LIB (D. Minn.)
- *DeSue v. 20/20 Eye Care Network, Inc. et al.*,  
Case No. 21-cv-61275-RAR (S.D. Fla.)
- *In re: Bank of America California Unemployment Benefits Lit.*,  
Case No. 3:21-md-02992-LAB-MSB (S.D. Cal.)
- *In re the Exxon Valdez*,  
Case No. CV-89-00095-HRH,  
*Exxon Shipping Co v. Baker*, 554 U.S. 471 (2008)
- *Vinsant v. US Fertility, LLC*,  
Case No. 8:21-cv-00225 (S.D. Md.)

- *In re: Warner Music Group Data Breach*,  
Case No. 1:20-cv-07473-PGG (S.D. N.Y.)
- *In re: RadNet, Inc. Data Breach*,  
Case No. 2:20-cv-09553 (C.D. Cal.)
- *In re: Citrix Data Breach Lit.*,  
Case No. No:19-cv-61350 (S.D. Fla.)
- *In re: EyeMed Vision Care, LLC Data Security Breach Lit.*,  
Case No. 1:21-cv-00036-DRC (S.D. Oh.)
- *In re: Intel Corp. CPU Marketing, Sales Practices*,  
MDL No. 2828
- *In re: Apple Inc. Device Performance Lit.*,  
MDL No. 2827
- *In re: Wells Fargo Collateral Protection Insurance Lit.*,  
MDL No. 2797
- *In re: YAHOO! Inc. Customer Data Security Breach Lit.*,  
MDL No. 2752
- *In re: National Football League Players' Concussion Injury Lit.*,  
MDL No. 2323
- *In re: World War II Era Japanese Forced Labor*,  
MDL No. 1347
- *In re: Apple and AT&T iPad Unlimited Data Plan Lit.*,  
Case No. 10-cv-02553(N.D. Cal.)
- *In re: Hydroxycut Marketing and Sales Practice Lit.*,  
MDL No. 2087
- *In re: Sony Gaming Networks & Customer Data Security Breach Lit.*,  
MDL No. 2258
- *In re: Incretin Mimetics Products Liability Lit.*,  
MDL No. 2452
- *Ellis v. R.J. Reynolds Tobacco Co.*,

San Diego Super. Ct., Case No. 706458

- *Scott v. American Tobacco*,  
No. 01-2498 (La. 9/25/01), 795 So.2d 1176, and No. 02-2449 (La. 11/15/02), 830 So.2d 294, and No. 2004-2095 (La. App. 4th Cir. 2/7/07)
- *In re: American Honda Motor Co., Inc. Dealerships Relations Lit.*,  
MDL No. 1069
- *Rose v. Bank of America*,  
Case No. 11-cv-02390
- *Steinfeld v. Discover Financial Services, et al.*,  
Case No. 12-cv-01118
- *Villa, et al. v. City of Chula Vista*,  
San Diego Super. Ct., Case No. 37-2011-00093296
- *Gehrich, et al. v. Chase Bank USA, N.A., et al.*,  
Case No. 12-cv-05510
- *Blue Shield of California Affordable Care Act Cases*,  
JCCP 4800
- *Galvez v. Waste Management*,  
JCCP 4534
- *Shames v. City of San Diego, et al.*,  
San Diego Super. Ct., Case No. GIC 831539
- *Cardiff v. General Motors Corporation*, coordinated with *Valve Automation and Controls, Inc., et al v. General Motors Corp., et al.*,  
San Diego Super. Ct., Case No. EC 016530

# EXHIBIT B



## **Arnold Law Firm Biography**

### **Sacramento Office**

865 Howe Avenue  
Sacramento, CA 95825  
916-777-7777  
916.239.4778 (d)  
415.595.3302 (c)

### **Los Angeles Office**

12100 Wilshire Blvd., Ste 800  
Los Angeles, CA 90025  
Phone: 747.777.7748

[justice4you.com](http://justice4you.com)  
[databreachattorneys.com](http://databreachattorneys.com)



Founded in 1975 by Clayeo C. Arnold, the Arnold Law Firm is a litigation-oriented practice with locations in Sacramento and Los Angeles, California. In keeping with its founding principles, our firm consciously works for the interests of individual people and small businesses — not for large corporations or insurance companies.

The Arnold Law Firm prosecutes class action, mass tort, *qui tam*, product defect, employment, and personal injury cases. We pride ourselves on being a practice of trial lawyers, typically trying a minimum of ten cases per year to verdict. In addition to our practice throughout the state of California in both state and federal courts, we also pursue class action, *qui tam* and multi-district litigation claims on a nationwide basis.

Our team of twelve attorneys collectively encompass a broad and diverse professional background, including plaintiff contingency work, public entity representation, criminal defense, and civil defense. We have current and past board members of Capital City Trial Lawyers Association, as well as members of numerous prestigious professional organizations, including the American Board of Trial Advocates, American Association for Justice, Association of Trial Lawyers of America, Sacramento County Bar Association, and Consumer Attorneys of California.

Our firm's operating structure is comprised of multiple teams directed towards specific practice areas. These teams regularly and intentionally collaborate and exchange information between their practice areas to improve the quality of representation for all of our clients.



## **Arnold Law Firm Biography**

(continued)

For over four decades the Arnold Law Firm has developed a respected and extensive network of co-counsel and experienced contract counsel to rapidly expand our capabilities as necessary on an *ad hoc* basis (e.g., document review). We employ a robust staff of highly qualified and experienced legal staff including assistants and paralegals to ensure that attorney time is spent in the most efficient manner possible.

The Arnold Law Firm employs technology to increase productivity thereby resulting in more efficient and effective legal representation and driving excellent results on behalf of its clients. Specifically, the firm increases its efficiency by using numerous forms of legal and practice management software including template software, client management software, and secure internet-based client management for mass tort or multi-plaintiff litigation. We also invest in appropriate billing and tracking software for contemporaneous hourly record keeping.

The Arnold Law Firm places substantial value on representing clients in a manner that is both effective and courteous. Integrity with clients, the courts, and adverse counsel are all considered to be as indispensable as successful results.

Our highly accomplished counsel has a long history of successfully handling class actions across a range of industries, including data breach cases.



## M. Anderson Berry Biography



The Arnold Law Firm has a proven track record of success and the ability to work efficiently and cooperatively with others. In addition, our firm has the availability and resources necessary to litigate complex class actions.

### **M. Anderson Berry**

M. Anderson Berry heads the data breach complex litigation and *qui tam* practices for the Arnold Law Firm. He brings substantial experience in complex litigation matters with a history of litigating in an efficient and practical manner, including as Lead Class Counsel, Co-Lead Class Counsel, and as a member of numerous Plaintiffs' Executive Committees.

Mr. Berry has an extensive background in privacy and consumer/government fraud litigation, actively participating in a currently sealed False Claims Act case involving widespread cybersecurity fraud upon the United States, and the class action litigations filed in federal and state courts across the nation, set out below.

Before joining the Arnold Law Firm in 2017, Mr. Berry worked as an Assistant United States Attorney for the Eastern District of California. As part of the Affirmative Civil Enforcement unit, Mr. Berry handled a wide variety of complex cases and recovered millions of dollars for the United States.

Before working for the Department of Justice, Mr. Berry practiced at one of the world's largest law firms, Jones Day, where he represented clients in international arbitration and complex commercial litigation, including defending class action allegations.

Mr. Berry was first selected as the Northern California Super Lawyers Rising Star in 2015 in the field of complex civil litigation.



## M. Anderson Berry Biography

(continued)

Mr. Berry attended the University of California, Berkeley, where he majored in English and graduated with highest honors. Mr. Berry was inducted into the Phi Beta Kappa Honor Society and served as President of the English Undergraduate Associate.

After working as a private investigator for both criminal and civil investigations in the San Francisco Bay Area, Anderson graduated from U.C. Berkeley School of Law, where he was a Senior Editor for both the *Berkeley Journal of Criminal Law* and *Berkeley Journal of International Law*.

He was admitted to the California Bar in 2009 and is admitted to practice in the Northern, Eastern, Southern and Central Districts of California. Mr. Berry is also admitted to practice in the Northern District of Illinois, the Eastern District of Michigan, the Northern and Southern Districts of Indiana, the Districts of Colorado and Nebraska, and the Fourth and Ninth Circuit Courts of Appeals.

Mr. Berry was raised in Moraga, California and now lives in Fair Oaks, California, with his wife and three young sons.

### Select Data Breach Cases

*John Doe, et al. v. Fred Hutchinson Cancer Center, et al.*,  
2:23-cv-01893-JHC (W.D. Wa.) (**Co-Lead Counsel**);

*In Re: Entertainment Partners Data Breach Litigation*, 2:23-cv-06546-CAS (C.D. Ca.) (**Co-Lead Counsel**)

*In Re: Snap Finance Data Breach*, 2:22-cv-00761-TS-JCB  
(D.UT.) (**Co-Lead Counsel**) (settled)

*Ware v. San Gorgonio Memorial Hosp.*, CVRI2301216 (Sup. Crt of CA, Riverside) (**Co-Lead Counsel**)

*In Re: Overby-Seawell Co. Customer Data Security Breach Lit.*, 1:23-md-03056-SDG (N.D. Ga.) (**Co-Lead Counsel**);

*Holmes v. Elephant Insurance Company, et al.*, 3:22-cv-00487-JAG (E.D. VA.) (**Co-Lead Counsel**);

*In Re: Arthur J. Gallagher Data Breach Litigation*, 1:21-cv-04056 (N.D.Ill.) (**Co-Lead Counsel**);



## M. Anderson Berry Biography

(continued)

Petimat Dudurkaewa et al. v. Midfirst Bank et al., 5:23-cv-00817-R (W.D. Ok.) (**Executive Comm.**);  
*In Re: CaptureRx Data Breach Litigation*, 5:21-cv-00523 (W.D.TX.)(**Co-Lead Counsel**) (settled);  
*Rossi v. Claire's Stores*, 1:20-cv-05090 (N.D. Ill.) (**Co-Lead Counsel**) (settled);  
*Desue v. 20/20 Eye Care Network, Inc. et al.*, 0:21-cv-61275 (S.D. Fla.) (**Executive Comm.**);  
*In re: Mednax Services, Inc. Customer Data Security Breach Litigation*, 21-MD-02994 (S.D. Fl.) (**Executive Comm.**);  
*Bowdle v. King's Seafood Co. LLC*, 8:21-cv-01784-CJC-JDE, (CD. Cal.) (Class Counsel) (settled);  
*Hashemi et al. v. Bosley, Inc.* 2:21-cv-00946 (CD. Cal.) (Class Counsel) (settled);  
*Heath et al. v. Insurance Technologies Corp et al.*, 3:21-cv-01444 (N.D. Tex.) (Class Counsel) (settled);  
*Carrera Aguallo et al. v. Kemper Corporation et al.*, 1:21-cv-01883 (N.D. Ill.) (Class Counsel) (settled);  
*Ahn et al. v. Herff Jones, LLC*, 1:21-cv-01381 (S.D. Ind.) (settled);  
*Bitmouni v. Paysafe Limited*, 3:21-cv-00641-JCS (N.D. Cal.) (Class Counsel) (settled);  
*Gaston v. FabFitFun, Inc.*, 2:20-cv-09534 (C.D. Cal.) (Class Counsel) (settled);  
*In Re: Ambry Genetics Data Breach Litigation*, 8:20-cv-00791 (C.D. Cal.) (settled);  
*In Re: Morgan Stanley Data Security Litigation*, 1:20-cv-05914 (S.D.N.Y.) (settled);  
*Pfeiffer et al. v. RadNet, Inc.*, 2:20-cv-09553-RGK-SK (C.D. Cal.)(Class Counsel) (settled);  
*Thomsen v. Morley Companies, Inc.*, 1:22-cv-10271-TLL (E.D. Mi.) (settled);  
*In re Lakeview Loan Servicing Data Breach Litigation*, 1:22-cv-20955-DPG (S.D. Fl.);



## Gregory Haroutunian Biography



### Gregory Haroutunian

Gregory Haroutunian is the Senior Associate and of the data breach complex litigation and *qui tam* practices for the Arnold Law Firm. He brings substantial experience in complex litigation matters with a history of litigating in an efficient and practical manner.

Mr. Haroutunian has an extensive background in complex litigation, privacy and consumer/government fraud litigation, actively participating in a currently sealed False Claims Act case involving widespread cybersecurity fraud upon the United States, and the class action litigations filed in federal courts across the nation, set out below.

Before joining the Arnold Law Firm in 2021, Mr. Haroutunian worked in diverse practices across the nation including litigating dozens of products liability medical device cases in state and federal courts throughout the country and employment and construction related complex class-action and surety bond litigations involving multi-million dollar settlements throughout New York and New Jersey.

Mr. Haroutunian attended Columbia College, Columbia University, where he majored in Political Science and served with the New York State Senate Minority Leader's Office.

After working as a paralegal for a small general litigation and elder law firm in New York City, Gregory attended the Georgetown University Law Center where he graduated *cum laude*. While at Georgetown Gregory held a year-long judicial internship under Chief Administrative Law Judge Ronnie A. Yoder of the United States Department of Transportation and served as a legal intern at the National Whistleblowers' Center and the firm Kohn, Kohn, & Colapinto where he had his first experiences in *qui tam* and fraud cases.

Work that Mr. Haroutunian did at Georgetown comparing and analyzing aviation regulations was subsequently published in the Law Journal of the Pacific.



## **Gregory Haroutunian Biography (cont.)**

He was admitted to the New Jersey and New York Bars in 2013 and the California Bar in 2020 and is admitted to practice in the Northern, Eastern, Southern, and Central Districts of California, the Southern and Northern Districts of New York, and the District of New Jersey. Mr. Haroutunian is also admitted to practice in the Southern and Northern Districts of Indiana and the District of Colorado.

Mr. Haroutunian has been separately appointed Class Counsel in the following matters:

*Bitmouni v. Paysafe Payment Processing Solutions, LLC*, No. 3:21-cv-00641-JCS (N.D. Cal.) (Class Counsel);

*In re: Ethos Technologies Inc. Data Breach Litig.*, No. 3:22-cv-09203-SK (N.D. Cal.) (Class Counsel);

*In re: Blackhawk Network Data Breach Litig.*, No. 3:22-cv-07084-CRB (N.D. Cal.) (Class Counsel);

*Franchi v. Barlow Respiratory Hospital*, No. 22STCV09016 (Cal. Super.) (Class Counsel);

*Parker v. Metromile, LLC*, No. 27-2022-000-49770-CU-BT-CTL (Cal. Super. San Diego) (Class Counsel).

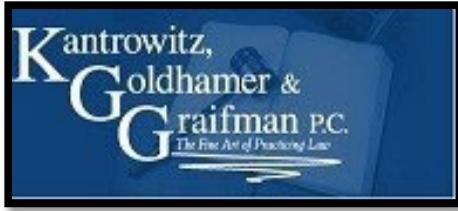
*Gilbert et al. v. BioPlus Specialty Pharmacy Services, LLC*, Case No. 6:21-cv-02158-RBD-DCI (M.D. Fla.) (Class Counsel)

Mr. Haroutunian was raised in Montvale, New Jersey.

# EXHIBIT C

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**KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C. ("KGG")** has a nationwide class action practice and has litigated numerous cases involving complex business litigation, consumer class actions and securities class actions. The firm has litigated a number of cases resulting in reported decisions, including cases of first impression.

**MELISSA R. EMERT, ESQ.**, has been representing aggrieved stockholders and consumers for more than 30 years. Ms. Emert joined KGG after spending most of her career at a national class action firm where she founded and was Co-Chair of its Consumer and Antitrust Class Action Litigation Groups. Ms. Emert's practice focuses on consumer, antitrust and securities class actions. She has litigated cases throughout the United States and held prominent leadership positions in many large multidistrict litigations ("MDLs"). Melissa is a member of the New York State Bar and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York. Melissa graduated from Brooklyn Law School with a Juris Doctor in 1988 and received a Bachelor of Arts from the State University of New York at Stony Brook in 1985.

Ms. Emert is currently serving as Co-Lead Counsel or Executive Committee Member in the following data breach/privacy litigations:

- Court-appointed Co-Lead Counsel in *Morales v. Conifer Revenue Cycle Solutions, LLC*, 2:23-cv-01987 (C.D. Ca. 2024); *In re: Conifer Data Security Breach Litigation*, 3:23-cv-744-E-BN (N.D. Tex. 2023) (claims on behalf of persons affected by Conifer's data breach and had their personal and private health information compromised).
- Court-appointed Co-Lead Counsel in *In re: Illuminate Education Data Security Incident Litigation*, 8:22-cv-1164 (C.D. Cal. 2022) (claims on behalf of persons affected by Illuminate Education's data breach and had their personal and private health information compromised).
- Court appointed Interim Class Counsel in *In re: American Financial Resources, Inc. Data Breach Litigation*, 2:22-cv-02392 (D.N.J. June 10, 2022) (claims on behalf of persons affected by American Financial Resources' data breach and had their personal and private

health information compromised).

- Court appointed to Plaintiffs' Steering Committee in *In Re: Blackbaud, Inc., Customer Data Breach Litigation*, 3:20-mn-02972 (D. S.C. February 16, 2021) (claims on behalf of persons affected by Blackbaud's data breach and had their personal and private information compromised).
- Court appointed to Plaintiffs' Executive Committee in *Tate, et al., v. Eyemed Vision Care, LLC*, 1:21-cv-36 (S.D. OH March 22, 2021) (claims on behalf of persons affected by Eyemed's data breach and had their personal information compromised).
- Court appointed Interim Class Counsel in *In re: Google Location History Litig*, 5:18-cv-05062-EJD (N.D. Cal. 2019) (a privacy breach action alleging Google tracked millions of mobile device users' geolocation after falsely representing that activating certain settings will prevent the tracking).

Ms. Emert has served in positions of leadership in the following data breach/privacy litigations that have resulted in class wide settlements:

- Court appointed to Plaintiffs' Executive Committee in *Tillman et al., v. Morgan Stanley Smith Barney, LLC*, 1:20-cv-05915 (S.D.N.Y. 2020) (claims on behalf of persons affected by Morgan Stanley's data breach and had their personal information compromised resulted in a class wide settlement).
- Court appointed to Plaintiffs' Steering Committee in *Cercas et al., v. Ambry Genetics Corp.*, 8:20-cv-00791 (C.D. Cal. 2020) (claims on behalf of persons affected by Ambry's data breach and had their personal and private health information compromised resulted in a class wide settlement).
- Court appointed member of Plaintiffs' Steering Committee in *In Re: Sonic Corp. Customer Data Sec. Breach Litig.*, 1:17-md-02807 (N.D. Ohio 2017) (claims on behalf of persons allegedly affected by Sonic's data breach resulted in a class wide settlement).
- Co-Chair of Plaintiffs' Vetting Committee in a court approved leadership structure in *In re Wawa, Inc. Data Breach Litigation*, No. 19-6019 (E.D. Pa. 2019) (claims on behalf of persons affected by Wawa's data breach and had their personal information compromised).
- One of three lead co-counsel in *Hughley, et al. v. Univ. of Central Florida Bd. of Tr.*, 2016-CA-001654-O (9th Judicial Circuit, Florida) (February 2016 data breach; settled November 2017, with UCF spending an additional \$1,000,000 annually to protect students' and employees' personal information).

Additional examples of Ms. Emert's nationwide class action experience include:

- Court-appointed Co-Lead Counsel in *Carder v. Graco Children's Products, Inc.*, 2:20-cv-00137-LMM (N.D. Ga. 2021) (alleging state consumer protection and common law claims on behalf of consumers resulting from defendant's defective and allegedly unsafe children's car seat products).
- Court appointed Co-Lead Counsel in *In re: Daily Fantasy Sports Litig.*, 1:16-md-02677

GAO (D. Mass 2016) (alleging violations of state consumer protection statutes and common law claims on behalf of consumers participating in defendants' online fantasy sports websites resulted in a class wide settlement).

- Court appointed member of plaintiffs' executive committee in *In re: Hill's Pet Nutrition, Inc. Dog Food Products Liability Litig.*, 19-md-2887 (D. Kan.) (alleging violations of state consumer protection statutes and common law on behalf of consumers who purchased dog food that contained toxic levels of Vitamin D resulted in a class wide settlement).
- Discovery Committee in a court approved leadership structure in *In re: Rock 'N Play Sleeper Marketing, Sales Practices, and Products Liability Litigation*, 1:19-md-2903 (W.D.N.Y. 2019) (alleging violations of state consumer protection statutes and common law claims on behalf of consumers who purchased the defective and inherently unsafe Fisher-Price Rock 'n Play Sleeper for their infant children).
- Court appointed member of Plaintiffs' Steering Committee in *In re: Intel Corp. CPU Marketing and Products Liability Litig.*, 3:18-md-02828 (D. Or. 2018) (claims on behalf of Intel processor users that have been affected by Intel's alleged defective processors).
- Court appointed member of Plaintiffs' Executive Committee in *In re: Apple Inc. Device Performance Litig.*, 5:18-md-02827 (N.D. Cal. 2018) (claims on behalf of iPhone and iPad users that have been affected by the alleged intentional slowdown of the processors resulted in a class wide settlement).
- Court appointed member of Plaintiffs' Steering Committee in *In re: German Automotive Mfr. Antitrust Litig.*, 3:17-md-02796 (N.D. Cal. 2017) (alleging anticompetitive conduct in the market for German-made automobiles).
- Class Representative Communications and Client Vetting Committee in a court approved leadership structure in *Echavarria, et al. v. Facebook, Inc.*, C 18- 05982 (N.D. Cal. 2018) (claims on behalf of persons that have been allegedly affected by Facebook's "View As" data breach resulted in a class wide settlement).

Ms. Emert also has developed and overseen the following litigation, among others:

- *County of Osceola v. Purdue Pharma Inc.*, 6:18-cv-00164 (M.D. Fl.); *County of Alachua v. Purdue Pharma Inc.*, 1:18-cv-00086-MW-GRJ (N.D. Fl.); *County of Palm Beach v. Purdue Pharma Inc.*, 50-2018-CA-004109 (N.D. Fl.) (each alleging opioid manufacturers and distributors defrauded the counties, among others, to generate improper revenue at the county's expense).
- *In Re: Uber Tech., Inc., Data Sec. Breach Litig.*, 2:18-ml-02826-PSG-GJS (C.D. Cal.) (alleging a failure to secure and safeguard riders' and drivers' personally identifiable information ("PII") caused 57 million driver and rider accounts to be compromised).
- *In Re: 21st Century Oncology Customer Data Sec. Breach Litig.*, 8:16-md-02737 (M.D. Fla.) (October 2015 data breach in which the PII of more than two million 21 Century patients was compromised).
- *Suvino v. Time Warner Cable, Inc.*, 1:16-cv-07046 (S.D.N.Y.) (settled action which alleged

violations of the Americans with Disabilities Act by Time Warner).

- *Guariglia et al v. The Procter & Gamble Company*, 2:15-cv-04307 (E.D.N.Y.) (settled action which alleged violations of law in connection with P&G's design, manufacture, marketing, advertising, and selling of Tide Pods).

Ms. Emert has been selected as a 2022 New York Metro Super Lawyer.

Ms. Emert participated as a Steering Committee Member of the Cambridge Class Action Litigation Forum for the Plaintiffs' Bar.

Ms. Emert was a presenter at the Harris Martin's Webinar Series: Baby Food Litigation in 2021 where she focused on plaintiff intake and vetting.

# EXHIBIT D



## Lockridge Grindal Nauen PLLP

For more than 40 years, Lockridge Grindal Nauen PLLP has served clients throughout the Midwest and in Washington, D.C. Our attorneys and lobbyists have extensive experience in local, state, and federal government relations as well as antitrust, business, campaign finance, consumer, data breach, governmental, health care, employment, environmental, ERISA, intellectual property, real estate, securities, and tribal law and litigation.

Our firm represents clients of all shapes and sizes, taking the time to understand each client's goals and aspirations before tailoring our representation to meet their individual needs, whether they be in the courtroom, the halls of Congress, city hall, or in their state capitol.

Our clients include local and tribal governments, health care professionals and organizations, real estate developers, energy companies, telecommunications providers, casualty insurers, trade and industry associations, health and pension funds, unions, as well as issue-based coalitions.

Lockridge Grindal Nauen's attorneys and government relations professionals are assisted by an extensive support staff. The firm has offices in Minneapolis, MN, Chicago, IL and Boston, MA.

### Cases

**Lockridge Grindal Nauen serves or has served as Lead or Co-Lead counsel in these recent cybersecurity, privacy, and data breach cases:**

- *In re: MOVEit Customer Data Security Breach Litigation*, No. 23-md-03082 (D. Mass)
- *In re: Capital One Consumer Data Security Breach Litig.*, No. 19-md-02915 (E.D. Va.)
- *In re: BPS Direct, LLC, and Cabela's LLC, Wiretapping*, No. 23-md-03074 (E.D. Pa.)
- *In re Arby's Restaurant Group, Inc. Data Security Litig.*, No. 17-00514 (N.D. Ga.)
- *In re: Community Health Systems, Inc., Customer Security Data Breach Litig.*, No. 15-00222-KOB (N.D. Ala.)
- *Greater Chautauqua Federal Credit Union, et al. v. Kmart Corporation, et al.*, No. 15-02228 (N.D. Ill)
- *Johnson et al. v. Cornerstone National Insurance Co.*, No. 22-cv-04135 (W.D. Mo.)
- *Holmes et al. v. Elephant Insurance Co. et al.*, No. 22-cv-00487 (E.D. Va.)

**The firm has also served in leadership positions in other relevant cases throughout the United States:**

- *In re Regents of the University of Minnesota Data Litigation*, No. 27-cv-23-14056 (Hennepin Cty. Dist. Ct.) (appointed member of Plaintiffs Executive Committee)
- *City of Hollywood Firefighters' Pension Fund v. Inspire Medical Systems, Inc.*, No. 23-cv-3884 (D. Minn.) (appointed Local Counsel)
- *In re: Apple Data Privacy Litigation*, No. 22-cv-07069 (N.D. Cal.) (member of Plaintiffs' Steering Committee)
- *In re FedLoan Student Loan Servicing Litigation*, No. 18-02833 (E.D. Pa.) (member of Plaintiffs' Executive Committee)
- *In re Target Corp. Customer Data Security Breach Litig.*, No. 14-md-02522-PAM (D. Minn.) (liaison counsel and member of Plaintiffs' leadership committee)

### From the Courtroom to the Capitol®

- *In re Yahoo! Inc. Customer Data Security Breach Litig.*, No. 16-02752 (N.D. Cal.) (appointed member of Executive Committee)
- *Baker v. ParkMobile, LLC*, No. 21-cv-2182 (N.D. Ga.) (appointed member of Plaintiffs' Steering Committee)
- *In re Home Depot, Inc., Customer Data Security Breach Litig.*, No. 14-02583 (N.D. Ga.)
- *In re Netgain Technology, LLC, Consumer Data Breach Litigation*, No. 21-cv-01210 (D. Minn.) (appointed chair of Plaintiffs' Executive Committee)
- *In re GEICO Customer Data Breach Litigation*, No. 21-02210 (E.D.N.Y.) (appointed pre-approved member of leadership team)
- *Beck v. Austin*, No. 19-cv-01453 (D. Minn.) (appointed settlement class counsel)
- *In re EpiPen ERISA Litig.*, No. 17-cv-1884 (D. Minn.) (appointed liaison counsel)
- *Zimmerman v. Riverplace Counseling Center, Inc.*, No. 02-cv-19-6522 (Anoka Cty. Dist. Ct.) (appointed settlement class counsel)
- *Bellwether Community Credit Union v. Chipotle Mexican Grill, Inc.*, 17-01102 (D. Co.) (member of Financial Institution Plaintiffs' Executive Committee)
- *Veridian Credit Union v. Eddie Bauer LLC*, No. 17-00356 (W.D. Wash.) (member of Financial Institution Plaintiffs Executive Committee)
- *In re Facebook, Inc. Customer Privacy User Profile Litig.*, No. 18-02843 (N.D. Cal.)
- *In re Premera Blue Cross Customer Data Security Breach Litig.*, No. 15-2633 (D. Or.)
- *First Choice Federal Credit Union et al. v. The Wendy's Company et al.*, No. 16-00506 (W.D. Pa.) (member of Financial Institution Plaintiffs' Executive Committee)
- *In re Equifax, Inc. Customer Data Security Breach Litig.*, No. 17-02800 (N.D. Ga) (member of Financial Institution Plaintiffs' Executive Committee)
- *In Re iPhone Application Litig.*, Civil No. 10-CV-05878-LHK (N.D. Cal.)
- *In re Warner Music Group Data Breach*, No. 20-cv-07473 (S.D.N.Y)
- *In re Wawa, Inc. Data Security Litig.*, No. 19-6019 (E.D. Pa.)

**In other District Courts, Lockridge Grindal Nauen served or serves as Lead or Co-Lead Counsel in the following cases, among others:**

- *D&M Farms et al. v. Birdsong Corp. et al.*, No. 2:19-cv-0463-HCM-LRL (E.D. Va.)
- *In re Broiler Chicken Antitrust Litig.*, No. 1:16-cv-08737 (N.D. Ill.)
- *In re Pork Antitrust Litig.*, No. 18-cv-01776-JRT-HB (D. Minn.)
- *Peterson v. BASF Corp.*, Civil No. C2-97-295 (Norman Cnty. Dist. Ct., Minn.)
- *In re Beef Purchasers Antitrust Litig.* (aka, *Peterson v. JBS USA Food Co. Holdings et al.*), No. 0:19-cv-01129 (D. Minn.)
- *Judith Thorkelson, et al. v. Publishing House of the Evangelical Lutheran Church in America, et al.*, Court File 10-01712 (D. Minn.)
- *In Re Baycol Products Litig.*, MDL No. 1431 (D. Minn.)
- *Benacquisto, et al. v. American Express Financial Corp. et al.*, Master File No. 00-1980 (D. Minn.), Civil Action No. 96-18477 (Henn. Cty. Dist. Ct.) (insurance class action)
- *In Re HardiePlank Fiber Cement Siding Litig.*, MDL No. 2359 (D. Minn.)
- *In Re Lutheran Brotherhood Variable Insurance Products Co. Sales Practices Litig.*, MDL No. 1309 (D. Minn.)
- *In Re Monosodium Glutamate Antitrust Litig.*, MDL No. 1328 (D. Minn.)
- *In Re Northstar Education Finance, Inc. Contract Litig.*, MDL 08-1990 (D. Minn.)
- *In Re Piper Funds, Inc. Institutional Government Income Portfolio Litig.*, Master File No. 3-94-587 (D. Minn)
- *In re Turkey Antitrust Litig.*, No. 1:19-cv-08318 (N.D. Ill.)
- *In re Surescripts Antitrust Litig.*, No. 1:19-cv-06627 (N.D. Ill.)
- *Olean Wholesale Grocery Cooperative, et al. v. Agri Stats, Inc., et al.*, No. 1:19-cv-08318 (N.D. Ill.)

- *In re Freight Forwarders Antitrust Litigation (Precision Associates, Inc. v. Panalpina World Transport (Holding) Ltd., et al.), No. 1:08-cv-42-JG-VVP (E.D.N.Y.)*
- *In Re Catfish Antitrust Litig., MDL No. 928 (N.D. Miss.)*
- *In Re CertainTeed Corp. Roofing Shingle Products Liability Litig., MDL 1817 (E.D. Pa.)*
- *George Guenther, et al. v. Cooper Life Sciences, et al. (Cooper Life Sciences Securities Litig.), No. C 89-1823 MHP (N.D. Cal.)*
- *In Re IKO Roofing Shingle Products Liability Litig., MDL No. 2104 (C.D. Ill.)*
- *In Re Kitec Plumbing Systems Products Liab. Litig. MDL No. 2098 (N.D. Tex.)*
- *Meyers v. The Guardian Life Insurance Company of America, Inc. Litig., Civil No. 2:97CV35-D-B (N.D. Miss.)*
- *In Re Polypropylene Carpet Antitrust Litig., MDL No. 1075 (N.D. Ga.)*
- *In Re: Potash Antitrust Litigation (II), MDL No. 1996 (N.D. Ill.)*
- *In Re Residential Doors Antitrust Litig., MDL No. 1039 (E.D. Pa.)*
- *Gary G. Smith, et al. v. Little Caesar Enterprises, Inc., et al. (Little Caesar Franchise Litig.), Civil No. 93 CV 74041 DT (E.D. Mich.)*
- *In Re Unisys Savings Plan Litig., Master File No. 91-3067 (E.D. Pa.)*

**LGN also has or had substantial involvement in the following litigation:**

- *Baysal v. Midvale Indemnity Company et al, No. 21-cv-00394 (W.D. Wis.)*
- *Park v. American Family Life Insurance Company et al., No. 22-cv-171 (W.D. Wis.)*
- *Greenstate Credit Union v. Hy-Vee, Inc. No. 20-cv-00621 (D. Minn.)*
- *Greenstein et al. v. Noblr Reciprocal Exchange, No. 21-04537 (N.D. Cal.)*
- *Stallone v. Farmers Group, Inc. et al., No. 2:2021-cv-01659 (D. Nev.)*
- *In re Generic Pharmaceuticals Pricing Antitrust Litig., Case No. 2:16-MD-02724 (E.D. Penn.)*
- *In Re Air Cargo Shipping Services Antitrust Litig., Civil No. 1:06-md-1775-CBA-VVP (E.D.N.Y.)*
- *Staley v. Gilead Sciences, Inc., No. 3:19-cv-02573-EMC (N.D. Ca.)*
- *American Telephone and Telegraph Antitrust Litig., Civil Action No. 81-2623 (D.D.C.)*
- *In Re AOL Time Warner Securities Litig., MDL No. 1500 (S.D.N.Y.)*
- *In Re Blue Cross Blue Shield Subscriber Litig., Master File No. 19-C3-98-7780 (Dakota Cnty. Dist. Ct., Minn.)*
- *In Re Connecticut General Life Insurance Co. Premium Litig., MDL No. 1336 (C.D. Cal.)*
- *Davenport, et al. v. Illinois Farmers Insurance Company, et al., Case No. CIV-03-158-F (W.D. Ok.)*
- *In Re Delphi Corporation Securities, ERISA, and Shareholder Derivative Litig., Master Case No. 05-md-1725 (E.D. Mich.)*
- *In Re Domestic Air Transportation Antitrust Litig., MDL No. 861 (N.D. Ga.)*
- *Eliason v. Gentek Building Products, Inc., et al., Civ. No. 10-cv-2093 (N.D. Ohio) (Executive Committee)*
- *In Re Federal National Mortgage Association Securities, Derivative and ERISA Litig., MDL No. 1668 (D.D.C.)*
- *In Re Flat Glass (I) Antitrust Litig., MDL No. 1200 (W.D. Pa.)*
- *In Re Guidant Corp. Implantable Defibrillators Products Liability Litig., MDL No. 1708 (DWF/AJB)(D. Minn.)*
- *Haritos, et al. v. American Express Financial Advisors, Inc., 02-2255-PHX-PGR (D. Ariz.)*
- *In Re ICN/Virtek Securities Litig., 87 Civ. 4296 (S.D.N.Y.)*
- *In Re Lease Oil Antitrust Litig., MDL No. 1166 (S.D. Tex.)*
- *In Re Medtronic, Inc. Implantable Defibrillator Products Liability Litig., MDL No. 1726 (JMR/AJB) (D. Minn.)*
- *In Re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig., MDL 08-1905 (D. Minn.) (Liaison Counsel)*
- *In Re Merck & Co., Inc., Securities, Derivative & ERISA Litig., No. 3:05-cv-1151 (D.N.J.)*
- *In Re Meridia Products Liability Litig., MDL No. 1481 (N. D. Ohio)*
- *In Re Nasdaq Market-Maker Antitrust Litig., MDL No. 1023 (S.D.N.Y.)*
- *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig., MDL No. 1720 (E.D.N.Y.)*

- *Ohio Public Employees Retirement System, et al. v. Freddie Mac, et al.*, MDL No. 1584 (S.D.N.Y.)
- *In Re Propulsid Products Liability Litig.*, MDL No. 1355 (E.D. La.)
- *In Re Rezulin Litig.*, MDL No. 1348 (S.D.N.Y.)
- *In Re Vioxx Product Liability Litig.*, MDL No. 1657 (E.D. La.)
- *In Re Vytorin/Zetia Marketing, Sales Practices, and Products Liability Litig.*, MDL 1938 (D.N.J.)
- *In Re Worldcom, Inc. Securities Litig.*, No. 02-CV-3288 (S.D.N.Y.)

## Cybersecurity Breach Presentations

- 2022 31<sup>st</sup> Annual Health Benefits Conference + Expo, presented by the International Foundation of Employee Benefit Plans (February 2, 2022), Kate Baxter-Kauf and Karen H. Riebel presented on “Health Benefits and the Value of Robust Data Security Practices.”
- 2021 Sedona Conference Working Group 11 Midyear Meeting Dialogue Leader and Moderator, *Has the time come for a second edition of the WG11 Commentary on Application of Attorney-Client Privilege and Work-Product Protection to Documents and Communications Generated in the Cybersecurity Context?* (October 28, 2021), Kate Baxter-Kauf, speaker; *Notice and Consent – Biometric Facial Recognition Data* (October 29, 2021), Kate Baxter-Kauf, speaker.
- Class Action Money & Ethics Conference, Presented by Beard Group, Inc., *Drilling in the Data Oil Fields: What's New and Trending in Data Privacy Class Actions* (June 30, 2021), Kate Baxter-Kauf, speaker.
- Third Annual Western Alliance Bank Class Action Law Forum, in collaboration with University of San Diego School of Law, *Privacy & Data Breach* (April 22, 2021), Kate Baxter-Kauf, speaker.
- 2021 Sedona Conference Working Group 11 Annual Meeting Dialogue Leader and Moderator, *Has the time come for a second edition of the WG11 Commentary on Application of Attorney-Client Privilege and Work-Product Protection to Documents and Communications Generated in the Cybersecurity Context?* (April 14, 2021), Kate Baxter-Kauf, speaker.
- 2020 Sedona Conference Working Group 11 Midyear Meeting Dialogue Leader, *Biometric Privacy Laws* (September 30, 2020), Kate Baxter-Kauf, speaker.
- Data Breach Class Actions, *Practical Perspectives*, HB Litigation Conferences (May 19, 2020), Kate Baxter-Kauf, speaker.
- 2019 Federal Bar Association's **Rising Professionals Symposium, Now That We've Found Standing, What Are We Gonna Do With It? What's on the Horizon for Data Breach Litigation**, FBA Rising Professionals Symposium, Las Vegas (February 1, 2019), Kate Baxter-Kauf, featured speaker.
- 2016 Cyber Security Summit, Interactive Table Top Exercise on Preparing for and Reacting to Data Breach incidents, **Cyber Security Summit** Minneapolis (October 11, 2016), Kate Baxter-Kauf, panelist.
- The Other Data Breach Cases: Medical Records Cases and Cases on Behalf of Banks and Others presented at **Harris Martin's Data Breach Litigation Conference** (March 25, 2015), in San Diego, Karen Riebel, speaker.
- A.A.J. Education's Plaintiff-Only Hot Topics and Trends in Litigation Seminar (May 27, 2015), in Minneapolis, Karen Riebel, panelist.